

REMARKS

Following entry of this amendment, claims 3, 6, 7, 16, 19-22, 24-27, 29, 32, 38, 39, 41, 47, and 54-97 will be pending in this application. Claims 14, 15, 19, 20, 34, 36, 37, 43-46, and 48-53 are canceled herein without prejudice; claims 3, 6, 16, 29, and 32 are currently amended; and new claims 54-97 are added. Support for the claim amendments and new claims can be found throughout the application as filed, e.g., at page 2, lines 11-16; page 25, line 17, to page 26, line 5; page 31, lines 6-13; page 32, lines 8-16; page 35, lines 12-20; and page 46, lines 19-24. No new matter has been added.

Applicants note that the Office Action Summary does not acknowledge applicants' claim for foreign priority under 35 USC § 119. However, acknowledgment of the foreign priority claim was previously made in the summary of the Office action mailed March 27, 2008, which indicates that a certified copy of the priority document was received from the International Bureau. Additionally, applicants provided a translation of the Japanese language priority document with a reply submitted on September 29, 2008, and the Office acknowledged receipt of the translation in the action mailed January 7, 2009. Therefore, applicants respectfully request that the Office's next communication clearly acknowledge applicants' claim for foreign priority under 35 USC § 119.

Examiner Interview Summary

Applicants thank Examiner Bristol for her participation in a telephone interview with the undersigned on June 16, 2009. The participants discussed the claim objections and double patenting rejections made in the present Office action. Applicants are especially appreciative for the Examiner's helpful suggestions for moving the case to allowance.

Information Disclosure Statement

Applicants thank the Examiner for acknowledging applicants' comments regarding the consideration of the Information Disclosure Statement submitted September 29, 2008.

Additionally, applicants acknowledge the Examiner's consideration of the Information Disclosure Statement submitted May 14, 2009.

Withdrawal of Objections and Rejections

Applicants acknowledge and thank the Examiner for the withdrawal of several objections and rejections made in the previous Office action, including objections to the drawings and rejections under 35 USC §§ 102 and 112, first and second paragraphs.

Double Patenting

Claims 14, 15, 34, 36, and 37 were provisionally rejected for alleged obviousness-type double patenting over claims 9 and 23-29 of copending Application No. 10/526,741 in view of Wichert et al., 2004, Oncogene 23:945-955. Applicants have canceled claims 14, 15, 34, 36, and 37 without prejudice or disclaimer, solely to further prosecution. This moots the rejection.

Claim Objections

Claims 3, 6, 7, 15, 16, 21, 22, 29, 32, 37-39, 41, and 47 were objected to for not reciting the antigen to which the claimed antibodies bind. Claims 15 and 37 are canceled herein without prejudice or disclaimer, thereby mooting the rejection with regard to those claims. As to the remaining claims, applicants disagree that the unamended claims are in any way objectionable. However, applicants have amended claims 3, 6, 16, and 29 to recite an "anti-glypican 3 antibody" or that the antibody binds to an epitope of glypican 3. Applicants request withdrawal of the objection.

35 USC § 112, first paragraph

Claim 34 was rejected as allegedly failing to comply with the written description requirement. Applicants disagree with the Office's assertion (at page 8) that:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

However, applicants have canceled claim 34 without prejudice or disclaimer, solely to further prosecution. The rejection is therefore moot.

35 USC § 103

Claims 14, 15, 34, 36, and 37 were rejected as allegedly being unpatentable over Lage et al., 2001, Virchows Arch., 438:567-573, in view of Steplewski et al., 1988, Proc. Natl. Acad. Sci. USA, 85:4852-56. Applicants have canceled claims 14, 15, 34, 36, and 37 without prejudice or disclaimer, solely to further prosecution. This moots the rejection.

CONCLUSION

Applicants submit that all presently pending claims are allowable, confirmation of which by the Examiner is requested. Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

This reply is being submitted with a Petition for Extension of Time and the required fee. Please apply any excess claims fee and any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 19672-0003US1.

Respectfully submitted,

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